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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 STEVEN WAYNE BONILLA,

12 Petitioner,

13 v.

14 YVETTE RENO, et al.,

15 Respondents.
16

Case No. 1:18-cv-01251-SAB-HC

ORDER TRANSFERRING CASE TO THE
NORTHERN DISTRICT OF CALIFORNIA

17 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus
18 pursuant to 28 U.S.C. § 2254.

19 When a state prisoner files a habeas petition in a state that contains two or more federal
20 judicial districts, the petition may be filed in either the judicial district in which the petitioner is
21 presently confined or the judicial district in which he was convicted and sentenced. See 28
22 U.S.C. § 2241(d); Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004) (quoting Carbo v. United
23 States, 364 U.S. 611, 618 (1961)). Petitions challenging the execution of a sentence are
24 preferably heard in the district where the inmate is confined. See Dunne v. Henman, 875 F.2d
25 244, 249 (9th Cir. 1989). Petitions challenging convictions or sentences are preferably heard in
26 the district of conviction. See Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Section
27 2241 further states that, rather than dismissing an improperly filed action, a district court, “in the
28 exercise of its discretion and in furtherance of justice may transfer” the habeas petition to another

1 federal district for hearing and determination. 28 U.S.C. § 2241(d); see also 28 U.S.C. § 1404(a)
2 (court may transfer any civil action “to any other district or division where it might have been
3 brought” for convenience of parties or “in the interest of justice”).

4 Here, Petitioner appears to challenge a criminal judgment from the Alameda County
5 Superior Court. Therefore, venue is proper in the district of conviction, which is the Northern
6 District of California. Accordingly, IT IS HEREBY ORDERED that this action is transferred to
7 the United States District Court for the Northern District of California.

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9 IT IS SO ORDERED.

10 Dated: **September 17, 2018**


UNITED STATES MAGISTRATE JUDGE